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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 ALLEN F CABIAO, et al.,

11 Plaintiff,

12 v.

13 WASHINGTON FEDERAL SAVINGS  
14 AND LOAN ASSOCIATION,

15 Defendant.

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17 ALLEN F CABIAO, et al.,

18 Plaintiff,

19 v.

20 WASHINGTON FEDERAL SAVINGS  
21 AND LOAN ASSOCIATION,

22 Defendant.

23 \_\_\_\_\_  
24 ALLEN F CABIAO, et al.,

Plaintiff,

CASE NO. C10-1813 MJP

ORDER ON PLAINTIFF'S MOTION  
FOR RECONSIDERATION

CASE NO. 10-1854 MJP

CASE NO. 11-0027 MJP

1 v.

2 WASHINGTON FEDERAL SAVINGS  
3 AND LOAN ASSOCIATION,

4 Defendant.  
5

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7 The Court, having received and reviewed Plaintiff's Motion for Relief from Order  
8 Awarding Attorney Fees and Costs (Dkt. No. 37) and all attached declarations and exhibits<sup>1</sup>,  
9 makes the following ruling:

10 IT IS ORDERED that the motion is DENIED.

11 Plaintiffs seek review of the Court's order of August 10, 2011 (Dkt. No. 33) and the  
12 accompanying judgment filed on August 12, 2011 (Dkt. No. 36), in which the Court awarded  
13 (pursuant to RCW 4.28.328) costs and reasonable attorney fees to Defendant in connection with  
14 cancelation of the *lis pendens* filed by Plaintiffs. As Plaintiffs have characterized their pleading  
15 as a "Motion for Reconsideration" (Dkt. No. 37, p. 2), the Court will treat it as such.

16 "Motions for reconsideration are disfavored. The court will ordinarily deny such motions  
17 in the absence of a showing of manifest error in the prior ruling or a showing of new facts or  
18 legal authority which could not have been brought to its attention earlier with reasonable  
19 diligence." LR 7(h)(1).

20 Plaintiffs have demonstrated neither manifest error nor demonstrated facts or legal  
21 authority which could not have been brought to the Court's attention earlier. In fact (as noted in  
22 the original order), Plaintiffs failed to file any briefing in response to Defendant's original

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23 <sup>1</sup> Defendant filed a response to this motion (Dkt. No. 40); because the Court construes Plaintiffs' motion  
24 as a motion for reconsideration per Local Rule 7(h) and did not call for a response, Defendant's responsive briefing  
has not been considered. See LR 7(h)(3).

1 motion to consolidate and dismiss the above-named cases, a motion which included the request  
2 for costs and attorney fees. Plaintiffs complain that they “did not stipulate to an award of costs  
3 and attorneys fees in this matter in exchange for merger and dismissal of this (*sic*) cases.”  
4 Motion, p. 2. But the motion to consolidate and dismiss was not presented as a stipulation, it was  
5 filed as a motion to which Plaintiffs were required to respond if they opposed any of Defendant’s  
6 requests. As it is permitted to do under LR 7(b)(2), the Court took Plaintiffs’ failure to respond  
7 as evidence that Defendant’s requests had merit.

8 Plaintiffs’ motion for reconsideration is without merit and is DENIED.  
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10 The clerk is ordered to provide copies of this order to the Plaintiffs and all counsel.

11 Dated: August 31, 2011.  
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15 Marsha J. Pechman  
16 United States District Judge  
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